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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1651

PATENT
0397-0441P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Takuo SAKAI Conf.: 7643
Appl. No.: 10/069,182 Group: 1651
Filed: May 22, 2002 Examiner: Deborah K. WARE
For: PROCESS FOR PRODUCING PLANT-ORIGIN
ANTIBACTERIAL SUBSTANCE

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 24, 2005

Sir:

01/25/2005 JADD01 00000100 10069182
01 FC:2401 250.00 OP
02 FC:2251 60.00 OP

Applicants hereby appeal to the Board of Appeals from the Office Action dated December 27, 2004 of the Primary Examiner twice rejecting claims 1 and 3-9.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of one (1) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Office Action. Thus a fee of \$60.00 is required for the full period of the above-requested extension of time.

☐ An extension of () month(s) for responding to the Office Action was previously requested and paid for on . Thus a fee of \$0.00 is required to obtain an additional () month(s) for filing the Notice of

Appeal.

☒ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☐ Large entity - \$500.00

☒ Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$310.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$310.00 is/are enclosed.

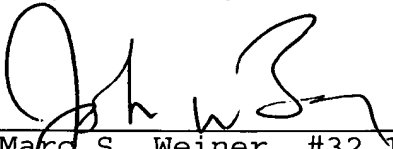
☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

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MSW/KLR:trb
0397-0441P

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